

Message

From: Sanders, Amy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C8C3424E1C874447AA2629C6EBED66F3-ASANDE02]
Sent: 10/7/2020 1:46:16 PM
To: Newton, Cheryl [Newton.Cheryl@epa.gov]
Subject: FW: Daily News Clips: Afternoon Edition 10-6-20

From: Enos, Kendra <Enos.Kendra@epa.gov>
Sent: Tuesday, October 6, 2020 4:06 PM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: Daily News Clips: Afternoon Edition 10-6-20

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Clean drinking water is a right we can't afford to lose

Democrats allege EPA plans to withhold funding from 'anarchist' cities

In reversal, Army Corps to accept public comment on fish farm off Sarasota coast

Agency

Coronavirus Roundup: White House Objects to FDA's Proposed Vaccine Guidelines; EPA Union Members Vote 'No Confidence' on Wheeler

<https://www.govexec.com/workforce/2020/10/coronavirus-roundup-white-house-objects-fdas-proposed-vaccine-guidelines-epa-union-members-vote-no-confidence-wheeler/169038/>

There's a lot to keep track of. Here's today's list of news updates and stories you may have missed.

OCTOBER 6, 2020 12:20 PM ET | [COURTNEY BUBLÉ](#)

- [CORONAVIRUS](#)
- [PUBLIC HEALTH](#)

President Trump left Walter Reed National Military Medical Center on Monday evening and upon returning to the White House took off his mask in front of cameras. “Don’t be afraid of COVID,” he [tweeted](#). “Don’t let it dominate your life.” This is despite the fact that [over 210,000 individuals](#) in the United States have died from the coronavirus this year, during which it has impacted essentially all aspects of life. Here are some other recent headlines you might have missed.

The White House blocked the Food and Drug Administration's new proposed guidelines for approving a coronavirus vaccine, The New York Times [reported](#) on Monday. “The [FDA] submitted the guidelines to the Office of Management and Budget for approval more than two weeks ago, but they stalled in the office of Mark Meadows, the White House chief of staff. Their approval is now seen as highly unlikely,” said the report. “Meadows raised a series of concerns...[such as] the need for two months of follow-up data, said that stricter recommendations would change the rules in the middle of clinical trials and suggested that Dr. Hahn was overly influenced by his agency’s career scientists.”

Politico [reported](#) on Monday that the White House’s Office of Information and Regulatory Affairs and later Meadows cited objections from pharmaceutical companies in blocking the proposed requirements. However, it is not clear which companies exactly raised these concerns. “The White House’s references to private-sector pushback have in the meantime puzzled FDA officials, who say the agency itself never came under similar pressure from vaccine developers,” said the report.

Public health experts said the White House’s reliance on Abbott Labs’ rapid coronavirus test for the ceremony for Supreme Court nominee Amy Coney Barrett could have led to the outbreak, The Wall Street Journal [reported](#) on Sunday. There could be false negatives and it is equally important to wear masks and practice social distancing (both of which did not happen for the whole event), they noted.

On Monday, the Centers for Disease Control and Prevention acknowledged that coronavirus can spread through tiny, air particles, with a new update to its website, The Washington Post [reported](#). Last month, the agency erroneously posted an update (that said it could spread through air transmission) but it had not gone through the proper review process, so it was removed.

The FDA issued a “rare” emergency use authorization for an artificial intelligence tool to predict which coronavirus patients are at risk for needing to be intubated, Stat News [reported](#) on Monday. Dascena, a health care technology company based in Oakland, California, developed the tool.

An advisory committee for the National Institute of Allergy and Infectious Diseases will hold a meeting on October 15 to discuss and evaluate grant applications related to the coronavirus. The meeting will not be open to the public, according to a [notice](#) posted in the Federal Register on Tuesday.

Story Continues Below Sponsor Message

On Tuesday, the nonprofit Partnership for Public Service published its [second annual report with Accenture Federal Services](#) on the government's customer service, which touched on how the pandemic affected service. "Some agencies are relying more on virtual or, under the new pandemic lexicon, 'contactless' services. For example, the Centers for Medicare and Medicaid Services and the Veterans Health Administration prioritized increased access to telehealth services," said the report. Others, such as the [Internal Revenue Service] and the Office of Federal Student Aid, provided support for people who were struggling financially due to the crisis—delivering millions of economic stimulus payments and helping people understand new options around student loan repayments."

Sens. Elizabeth Warren, D-Mass., and Dick Durbin, D-Ill., sent letters to Attorney General William Barr and Federal Bureau of Prisons Director Michael Carvajal on Monday regarding the spread of coronavirus in BOP's facilities. "There is mounting evidence that efforts to contain the virus within BOP facilities are failing," they wrote in one letter about the mass outbreak at BOP's facilities from March 23 to the present. This is exemplified by failing to release more intimates to home confinement, [purchasing of unproven ultraviolet sanitizing portals](#), long-term staffing shortages and inmate transfers.

In the [second](#) letter, the lawmakers questioned the use of "restricted housing" or "solitary confinement" for inmates who tested positive. This could have a pervasive effect on their mental health, could disincentivize inmates from reporting symptoms if they fear that's where they'll be placed, and requires more interactions between staff and inmates for things such as meals and showers, they wrote. As of Tuesday mid-morning, there were 1,568 open cases among inmates and 724 among staff. So far, 13,544 inmates and 1,177 staff have recovered. There have been 125 inmate and two staff deaths.

The American Federation of Government Employees chapter that represents the Environmental Protection Agency hosted a "no confidence" vote for Administrator Andrew Wheeler and other agency leadership bringing employees back into offices too soon, which puts them at risk for contracting the coronavirus. Six-hundred fifty of 750 members from various unions that represent EPA employees voted for no confidence (92.7%). Read Government Executive's previous coverage of the issue [here](#).

Air

[Reclassification of Major Sources as Area Sources: U.S. Environmental Protection Agency Finalizes Revisions to Clean Air Act Section 112 Regulations](#)

<https://www.jdsupra.com/legalnews/reclassification-of-major-sources-as-78910/>

[Download PDF](#)

The United States Environmental Protection Agency ("EPA") finalized revisions to the General Provisions of the Clean Air Act National Emission Standards for Hazardous Pollutants ("NESHAP").

The final rule allows a "major source" of hazardous air pollutants ("HAP") to reclassify as an "area source" at any time after acting to limit emissions.

EPA argues that the rule will encourage facilities to pursue innovations in pollution-reduction technologies and relieve regulatory requirements intended for larger emission sources. Environmental organizations argued in

opposition to the proposed rule that it creates a loophole allowing facilities to opt out of the NESHAP requirements and monitoring by reclassifying themselves as area sources exempt from Maximum Available Control Technology standards.

The EPA “once-in-always-in” policy was established in 1995. It provided that a facility subject to major source NESHAP standards would always remain subject to such standards. This would be the case even where production processes were changed or controls implemented that permanently reduce the facility’s potential to emit HAPs.

The final rule provides a new EPA interpretation of the relevant Clean Air Act language. The agency states it has no authority to limit when a facility may be determined to be an area source. The rule concludes that facilities may be reclassified as area sources if they take an enforceable limit on their potential to emit HAPs that bring their level of emissions below the major source threshold.

The rule also finalizes amendments to:

- Clarify compliance dates
- Clarify notification and record requirements

Such clarifications apply to sources choosing to reclassify to area source status along with sources that revert back to major source status.

Environmental organizations such as the Sierra Club and Natural Resources Defense Council have indicated a judicial challenge will be filed.

A link to the final rule can be found [here](#).

Chemicals

New California Law Regulates Chemicals in Cosmetics

<https://www.sidley.com/en/insights/newsupdates/2020/10/new-california-law-regulates-chemicals-in-cosmetics>

October 6, 2020

Last week, on September 30, California Gov. Gavin Newsom signed into a law a pair of bills, [AB 2762](#) and [SB 312](#), that will change California’s regulation of cosmetics.

The first law, which amends the Health and Safety Code, will prohibit, from January 1, 2025, manufacturing or selling any cosmetic product with any intentionally added amount of 24 specific chemicals. The list includes formaldehyde, certain plasticizers (i.e., phthalates), certain per- and polyfluoroalkyl substances (PFAS), and mercury. Some of these substances, especially phthalates and PFAS, have become an increasing target of state regulation across various consumer and commercial uses. The law provides an exception for the presence of listed substances as an impurity at trace quantities.

The second law, named Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2020, requires companies selling cosmetics products in California to report the presence of any hazardous fragrance and flavor ingredients in their products to the state Department of Public Health’s Safe Cosmetics Program. The agency then will make that information public through its Safe Cosmetics Database. The law indicates that it is concerned with potential “carcinogens, reproductive toxicants, asthmagens, neurotoxicants, allergens, and other chemicals of concern.” The law requires reporting of myriad chemicals listed by “authoritative bodies,”

including state and federal agencies, as well as certain lists maintained by the Canadian and European Union governments.

The enactment follows on some industry groups' dropping opposition this summer. The Governor noted in a press release his view that the federal government does not adequately regulate the listed chemicals. However, federal regulation of some of these chemicals is a more complicated story.

The U.S. Environmental Protection Agency (EPA) has designated some of these chemicals, including formaldehyde, as "high-priority substances" under the Toxic Substances Control Act (TSCA), and those are undergoing risk evaluations at EPA. The result of the risk evaluation could place restrictions on uses of those chemicals, which could preempt certain state laws. However, products subject to the Federal Food, Drug, and Cosmetics Act (FFDCA) are generally not subject to TSCA. As such, the interplay between new state laws, TSCA, and the FFDCA will continue over coming years as more states take up green chemistry and toxic substance regulation.

NRRI receives \$3M grant to collect sediments, analyze contaminants in Great Lakes

<https://news.d.umn.edu/news-and-events/news/epa-grant-2020>

October 6, 2020

June Breneman

NRRI to lead a team of scientists to collect and analyze contaminating chemicals in the Great Lakes.

In September, the U.S. Environmental Protection Agency announced significant federal investments in Great Lakes research. The funds include \$3 million to the Natural Resources Research Institute (NRRI) for collecting and analyzing legacy and emerging chemical contaminants in lake sediments.

This Great Lakes Sediment Surveillance Program will entail collecting sediment samples throughout the entire Great Lakes system, including Canadian waters. Not only is it a massive project by size, there are hundreds of contaminants to analyze – some introduced decades ago and some emerging more recently. Scientists are keen to understand more about the interactions of these contaminants with the environment.

"We'll analyze over 250 different contaminants, including new contaminants such as pesticides and PFASs – known as 'forever chemicals' -- as well as legacy contaminants like lead and mercury," explained Bridget Ulrich, NRRI Aqueous Geochemist. "Beyond just surveillance, we're interested in understanding more about what is controlling the way the contaminants are dispersed in the sediment and how they impact the ecology of the lakes."

These toxic contaminants are harmful to aquatic life in the Great Lakes. They also don't break down in the environment and can remain in sediments for decades. For example, PFASs are widely used in consumer products such as nonstick cookware and grease-resistant food packaging.

NRRI's paleolimnology scientists will study sediment deposited as far back as 200 years to understand the historical contaminant record. They'll also collect surface sediment samples to understand how the contaminants are distributed in the lakes today.

“Layers of sediment are deposited in lakes continuously, leaving us a record of past activity in and around the lakes,” explained Senior Scientist Euan Reavie, a co-principal investigator on the program. “Our team is then able to describe the history of contamination, and whether things are getting better or worse.”

To deliver on this expansive research effort, NRRI has pulled together a large team within the institute and the University of Minnesota Duluth’s Large Lakes Observatory and Swenson College of Science and Engineering.

“The Great Lakes provide critical ecosystem services that coastal communities rely on, like drinking water, fisheries and water for industry,” said the project’s Principal Investigator Christopher Filstrup. “We want to better understand the contaminants, while recognizing that the lakes themselves are changing through time. Understanding these processes is important to ensuring that these services are available for future generations.”

The findings of this five-year project will lead to improved management strategies that more effectively target potentially harmful contaminants and protect ecosystem health.

EPA Science Panel Will Impact Asbestos Regulations

<https://www.natlawreview.com/article/epa-science-panel-will-impact-asbestos-regulations>

Tuesday, October 6, 2020

On October 1, 2020, the EPA announced the nominees for the approximately 15 additional spots on the TSCA Scientific Advisory Committee on Chemicals (“SACC”). SACC is a group of experts chosen by the EPA to “provide independent scientific advice and recommendations to the EPA on the scientific basis for risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under the Toxic Substances Control Act (TSCA)”. Currently, there are 16 SACC members and there are 10 additional SACC ad hoc Peer Reviewers. The publicly available list of all the nominees for the EPA science panel is provided below, and EPA is accepting comments on all nominees until October 30, 2020.

William J. Adams	Udayan Apte	Chris H. Babcock
Marissa G. Baker	Aaron Barchowsky	Richard B. Belzer
Sol Bobst	Robert Budinsky	Michael J. Carvan III
Christine F. Chaisson	Jane E. Clougherty	George P. Cobb
John Joseph Curley	Jamie C. DeWitt	Michael L. Dourson
Katherine Fallace	David V. Gauvin	Daniel A. Goldstein
Elliot B. Gordon	Julie E. Goodman	Brian D. Hardin

Nitin M. Hate'	Wendy J. Heiger-Bernays	Maryann Hoff
Huixiao Hong	Muhammad M. Hossain	Jon A. Hotchkiss
Vijayavel ("Vigay") Kannappan	Agnes Karmaus	Michael C. Kavanaugh
Maureen K. Little	Mark A. Maddaloni	Carmen Messerlian
Grover P. Miller	Franklin L. Mink	Peter Moleux
Lisa M. Nespoli	Mary Ann Ottinger	Heather B. Patisaul
Andrew W. Pawlisz	Laura M. Plunkett	Gloria B. Post
Jennifer Przybyla	David M. Reif	Mark Gregory Robson
Paul Rosenfeld	Sarah E. Rothenberg	Diego Rua
Marc J. Rumpler	Ivan Rusyn	Darius D. Sivin
Carr J. Smith	Gavin P. Smith	Jordan N. Smith
James L. Stevens	David C. Volz	Katherine Von Stackelberg
Charles V. Vorhees	Chris D. Vulpe	Jeffry K. Wickliffe
Hong Zhuang		

SACC will have significant influence on EPA's Risk Evaluations under TSCA, including its ongoing Risk Evaluation for Asbestos. In March 2020, EPA released a Draft Risk Evaluation for Asbestos ("DRE") that drastically narrowed the gap between the Lifetime Unit Risk (UB) of chrysotile and the amphibole asbestos minerals (e.g., crocidolite, amosite, tremolite, actinolite, anthophyllite). Following publication of the DRE, EPA received comments from more than 60 parties comprised of researchers, medical experts, trade organizations, and asbestos litigation groups. Significant criticism of the DRE has been focused on new threshold standards for exposure to chrysotile asbestos that contradict long-settled conclusions by the scientific/medical community that chrysotile is unequivocally less potent than amphibole asbestos. If finalized in its current form, the DRE could be cited by plaintiffs in response to defendants' low-dose chrysotile defenses.

The current SACC members have already issued 103 recommendations concerning the DRE. Most notably, it recommended deriving one Inhalation Unit Risk (IUR) for all types of asbestos, not just for chrysotile. This is significant given the long-established opinion of the medical/scientific community that chrysotile is less potent

than the amphibole asbestos minerals. Setting one IUR may create a false impression that all the asbestos minerals are equipotent. SACC also recommended the removal of any statements in the DRE describing chrysotile as “biologically inert.” This will further impact chrysotile defenses as medical experts have previously testified that low dose chrysotile exposure is generally insufficient to cause diseases. However, SACC also recommended that EPA re-evaluate its data and modeling as well as collect additional data to support certain conclusions regarding the risks associated with chrysotile. This recommendation is in conjunction with SACC’s position that EPA should re-title the DRE to specify that it is focused on chrysotile or postpone issuing a final Risk Evaluation until a larger evaluation of asbestos can be completed. In totality, SACC’s recommendation illustrates an awareness that chrysotile should be the focus of the DRE.

TSCA Cost Sharing Consortias Are Broken Due to EPA Rule – Can They Be Fixed?

<https://www.jdsupra.com/legalnews/tsc-a-cost-sharing-consortias-are-broken-96149/>

Under the EPA fee rule for TSCA (40 C.F.R. § 700.45), manufacturers (including importers) of chemicals undergoing risk evaluation are subject to the TSCA fee of \$1.35 million. Following publication of a preliminary list of fee payers in January 2020, companies who make or import the next 20 chemicals to undergo risk evaluation in any quantity were required to identify themselves to EPA. Initially there were no exemptions from this requirement, so companies who imported the next 20 chemicals in any quantity, even as impurities and in articles and de minimis amounts in mixtures, had to sign up to pay the fee. EPA subsequently offered enforcement discretion to companies who import these chemicals in articles, or when they are present as impurities and byproducts.

The deadline for self-identifying to EPA was May 27th. On September 4th, EPA issued the final list of fee payers, as well as the final scopes for the 20 chemicals. Fee payments are now due within 120 days of publishing the final scope of an EPA-initiated risk evaluation (by January 2021). Until November 4, industry can notify EPA of the formation of consortiums. Companies that do not join consortia will be invoiced by EPA for their per capita (equal) share separately. The agency plans to begin invoicing for the fees after this 60 day period; due to the public health emergency, EPA is reportedly exploring options for payment flexibility.

As downstream customers who happen to import these chemicals are fast learning, the major manufacturers and importers of the next 20 chemicals have no incentive to enter into consortia agreements that apportion the fee payment based on market share. Companies are expected under EPA’s rule to pay no more than equal amounts of the total fee split among all of the participating companies. This means that a company who imports 6 pounds of a chemical is on the hook for the same amount as a company who manufactures 60 million pounds. Right now, these companies are facing fee payments on the order of \$50,000 to \$115,000.

It is important to note that companies could not choose to stop making or importing these chemicals in May to avoid these fees. By rule, the cutoff date is when EPA commences prioritization for the chemical, which happened for the next 20 chemicals in March 2019. 40 C.F.R. § 700.45(b)(5)(ii) and (b)(6)(i). EPA did not publish a preliminary list of manufacturers and importers subject to the risk evaluation fees until January 2020. Since EPA does not announce which chemicals it plans to prioritize in advance, the current rule does not provide a reasoned opportunity for importers of small amounts of these chemicals to avoid these fees by finding a substitute. In fact, the rule encourages just the opposite and locks companies into continuing to use these chemicals over the next 5 years to the greatest extent possible, to justify having to pay the fee. EPA was concerned about companies gaming the system by leaving the market and then re-joining after it’s too late to be charged a fee. Several commenters during the rulemaking expressed the same concern, and directed EPA to look at the process for reimbursement that already exists in section 4 of TSCA and adopt a similar procedure. EPA

declined, and in so doing created a process that offers no immediate incentive to find a substitute, and puts an undue and costly regulatory burden on downstream users.

It doesn't make sense for companies to join coalitions under these terms if it would only result in paying more based on having a larger share of the market. As a result, for the importer of 6 pounds of one of these chemicals in a mixture, there is no realistic alternative right now to having to pay a per capita share of the fee to EPA.

EPA plans to issue a proposed rule to amend the fee rule and eliminate fees in certain cases, such when they are used strictly for R&D, and when present in imported articles and as impurities or byproducts. In other words, the proposal is reportedly slated to include the traditional suite of exemptions found in 40 C.F.R. § 720.30. We expect to see the proposal before the end of the year. It's worth noting that there are no quantity limits associated with being excused from fees if you qualify in one of these categories, and that these conditions of use are still within the scope of the risk assessments.

However, it's not clear that EPA plans to include an exemption for de minimis quantities in mixtures. We don't think the suppliers of chemicals that undergo risk evaluation are likely to advocate for a de minimis exemption for imported mixtures, due to concerns about shrinking the fee base. EPA may share this same concern. It is likely that the major manufacturers and importers will put more emphasis on advocating for greater flexibility in fee sharing.

Historically, it was common practice for the manufacturers of chemicals that have undergone testing or evaluation by EPA have agreed to share costs amongst themselves according to production volume without involving the customer base directly. Through the leadership exercised by these consortia, the customer base was traditionally released from payment obligations of TSCA, as in the case of testing programs conducted under section 4. As we already noted, the EPA rule is disincentivizing suppliers from following this example. The way EPA has structured the rule, anyone who wants to manufacture/import a chemical undergoing risk evaluation is most likely going to wind up paying a per capita share. U.S. antitrust law contemplates that each competitor will try to minimize its own costs and no company is required to accept a higher cost in order to provide a benefit to a competitor. There is no incentive in the EPA rule for companies to do other than achieve that result (with a break for small businesses). As a result, the rule works against forming consortia that allow alternative arrangements based on production volume, since taking a per capita share will cost less for the companies with larger volumes than anything the consortium can otherwise devise. Some commenters tried to alert EPA that the ability to pay a smaller fee could affect consortia decision-making by relatively large producers. A per capita fee consortium is the natural effect of the regulations, and companies are acting in their own best interest under the rule.

Since the cut-off date for not having to pay these fees has passed, and no exemptions are currently available for de minimis quantities in imported mixtures, the incentive or benefit associated with engaging with the consortium remains primarily in the technical expertise they offer to engage with EPA during the risk evaluation. However, it's not clear what additional cost beyond the initial fee that would involve. Is there any incentive for companies to apportion those costs on anything other than a pro capita basis either?

In short, companies are left with having to try and predict what chemicals EPA will commence for prioritization in the future, which is virtually impossible to do. Alternatively, these companies could plan to strongly advocate for an exemption for de minimis quantities in mixtures. In general, it may prove difficult to apply any changes to the rule retroactively. Even so, there is still a chance to change things for the better in the future to make the system fair.

There is a general sense inside the Beltway that a number of importers have inadvertently or intentionally failed to report on these first 20 chemicals, and there are many companies who are facing large invoices from the government disproportionate to their use. This promises to be an active area during the upcoming rulemaking process.

Land Management

Inhofe's Rival and Others Blast Him and EPA After TYT Report

<https://tyt.com/stories/4vZLCHuQrYE4uKagy0oyMA/1mzZDtQ3P0bOf4PgKxHwKL>

- By: Ti-Hua Chang
- Oct 6, 2020

Abby Broyles, the Democratic candidate running against Sen. James Inhofe (R-OK), responded to the news that the Environmental Protection Agency (EPA) had stripped away regulatory control from Oklahoma tribes by attacking him.

After TYT reported the EPA's actions on Monday, Broyles released a [press release](#) saying, “Jim Inhofe has been actively working against our tribes since 2005. It’s no coincidence his longtime staffer seized the opportunity to attack tribal sovereignty and ignore the Supreme Court ruling.”

EPA Administrator Andrew Wheeler, who on Oct. 1 authorized the takeover, worked for Inhofe for 14 years. Broyles' mention of 2005 refers to a two-paragraph rider attached to an 836-page [transportation bill](#) in 2005 that took away tribal control of environmental issues if requested by the state of Oklahoma.

With Wheeler's aid, Inhofe got the rider through. As part of a federal bill, it nullifies even the Supreme Court's *McGirt v. Oklahoma* decision that much of eastern Oklahoma is still tribal land because of previous treaties.

In her statement, Broyles added, “Our tribal nations’ sovereignty should be honored, and they should be allowed to work directly with the EPA instead of having extra hurdles placed in their way. It’s no surprise Jim would want to put this in front of state leaders, especially in the midst of their openly hostile relationship with the tribes right now...”

Rep. Nannette Barragan (D-CA), a leading pro-environment voice in Congress, responded to TYT's request for comment with a Tweet criticizing Wheeler for what she called his "attack on sovereignty."

TYT contacted the offices of Inhofe and Gov. Kevin Stitt (R-OK), as well as the Trump and Biden campaigns, for comment on our story, but none responded.

Stitt was [quoted](#) Monday by The Hill, stating, “This approval helps to better protect public health and our environment by ensuring certainty and one consistent set of regulations for all citizens of Oklahoma, including those who are also citizens of one of Oklahoma’s federally recognized Tribes...”

Cherokee Nation Principal Chief Chuck Hoskin Jr. reportedly disagrees. The Hill quotes him saying, “Unfortunately, the governor’s decision to invoke a 2005 federal law ignores the longstanding relationships between state agencies and the Cherokee Nation. All Oklahomans benefit when the Tribes and state work together in the spirit of mutual respect and this knee-jerk reaction to curtail tribal jurisdiction is not productive...”

As TYT [reported](#), the EPA itself acknowledged that tribes complained even before the new decision that they were not given enough time to weigh in fully. TYT's report generated significant reaction on Twitter, from politicians and environmental advocates.

The National Resources Defense Council retweeted the story to its Twitter followers and environmental activist Bill McKibben tweeted, "Feels like the technical term here is 'colonialism.'"

Julian Brave Noisecat, another environmental activist, wrote, "The Administration is now looking for Congress to legislatively gut the historic Supreme Court decision in *McGirt v. Oklahoma*."

Pam Keith, a Democratic congressional candidate in Florida, called the EPA's decision "wrong" and "unbelievable."

Veteran journalist and White House veteran Bill Moyers retweeted the story and wrote:

The Recount noted, "There's an important story flying way under the radar while COVID rips through the White House."

EPA Ruling Allowing Dredging Of Redwood City Salt Ponds Vacated

<https://patch.com/california/redwoodcity-woodside/epa-ruling-allowing-dredging-redwood-city-salt-ponds-vacated>

The EPA ignored its own interpretative regulations and misinterpreted relevant case law, a federal judge determined.

By Bay City News, News Partner

Oct 6, 2020 10:31 am PT

The salt ponds are owned by an affiliate of Cargill, Inc., a large privately held multi-national food corporation. Xavier Becerra, Attorney General of California, and group of environmental organizations including Save the Bay and San Francisco Baykeeper, (Shutterstock / Jerry Sliwowski)

REDWOOD CITY, CA — A San Francisco federal judge on Monday vacated a ruling by the U.S. Environmental Protection Agency that would have allowed dredging and filling of the Redwood City salt ponds without getting permits from the applicable federal agencies.

In a 21-page opinion, U.S. District Judge William Alsup determined that the EPA ignored its own interpretative regulations and misinterpreted relevant case law.

The judge vacated the determination and sent the case back to the EPA to reconsider under the correct standards.

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In 2019, the EPA determined that the Redwood City salt ponds - a 1,365-acre area adjacent to the San Francisco Bay filled with tidal pools, marshland, and commercial salt mining operations - was not part of the "waters of the United States."

The determination had important consequences. If the salt ponds were not "waters of the United States," it meant that they were not subject to the Clean Water Act and private development could proceed without complying with the act, in particular the rules that require permits before filling and dredging.

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The salt ponds are owned by an affiliate of Cargill, Inc., a large privately held multi-national food corporation. Xavier Becerra, Attorney General of California, and group of environmental organizations including Save the Bay and San Francisco Baykeeper, sued the EPA to challenge the ruling.

The salt ponds are filled with levees and dikes constructed for use in salt mining operations. Salinized water fills a series of evaporation pools that result in salt deposits that can ultimately be scraped out and sold commercially.

The dispute turned on whether the fact that the salt ponds were set off from the Bay itself by the development of a system of levees and dikes made them no longer part of the navigable waters of the Bay.

"The salt ponds here have not been dry and have had continuing connections to the Bay," the judge wrote. Based on that, the EPA was wrong to have determined they were not part of the navigable waters of the Bay.

The court vacated and set aside the EPA's determination and sent the case back to the EPA to consider the matter again, this time applying the proper legal standards.

Waste

Hazardous Material Removal Begins in Santa Cruz Mountains Fire Zone

<https://goodtimes.sc/santa-cruz-news/hazardous-material-removal-santa-cruz-mountains-fire-zone/>

BY TODD GUILD

POSTED ON OCTOBER 6, 2020

Several small teams of federal workers—many members wearing hazardous materials outfits—were in a small neighborhood tucked in the Santa Cruz Mountains north of Boulder Creek Monday, removing dangerous materials from sites where fire razed houses to the ground.

The work by the Environmental Protection Agency (EPA) is being coordinated by the Federal Emergency Management Agency at the behest of Santa Cruz County officials.

Such coordinated response to mass disasters typically comes in the wake of large-scale disasters such as the CZU Lightning Complex fire, when state or federal leaders declare states of emergency. That is according to EPA Federal On-Scene Coordinator Jeremy Johnstone, who is overseeing two teams tasked with identifying and removing hazardous materials at the hundreds of destroyed homes in Santa Cruz County.

The work began Sept. 29 and could last as long as eight weeks, said EPA Section Manager Rusty Harris-Bishop.

The Phase 1 work begins with workers finding and removing such hazards as high or low levels of oxygen, carbon monoxide, hydrogen sulfide, pesticide and explosives such as ammunition.

They also find and remove materials containing asbestos, and tanks filled with compressed gasses, Johnstone said.

The trouble, according to Harris-Bishop, is the sheer scale of the disaster. With more than 1,000 homes in Santa Cruz, Monterey and San Mateo counties destroyed by the fires, local landfills and hazardous material drop-off centers would be quickly overwhelmed if homeowners did the removal work themselves.

“That’s when we get involved—when the impact is to hundreds of homes,” he said.

For Phase 2, workers will remove the remaining materials, so that rebuilding can begin, Harris-Bishop said.

“We are here to remove those hazards so that the next phase of workers can come in and not be exposed to those, and they don’t go into the environment,” he said.

US EPA announces \$3M in funding for food waste AD projects

<https://www.wastetodaymagazine.com/article/us-epa-funding-for-12-food-waste-anaerobic-digestion-projects/>

The project types selected for funding include feasibility studies, demonstration projects, as well as technical assistance and training.

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October 6, 2020

Posted by Haley Rischar

Organics

The U.S. Environmental Protection Agency (EPA) has announced the selection of 12 recipients to receive approximately \$3 million in funding to help reduce food loss and waste and to divert food waste from landfills by expanding anaerobic digestion (AD) capacity in the United States. The project types selected for funding include feasibility studies, demonstration projects, as well as technical assistance and training.

“Finding solutions to better curb food waste continues to be a top priority for the Trump administration,” says EPA Administrator Andrew Wheeler. “This year’s round of innovative community projects is focusing on ways to reduce food waste at the local and state levels and divert it from landfills.”

According to a release, this AD funding opportunity is a part of EPA’s efforts and contributions to the Winning on Reducing Food Waste Initiative, a partnership among the EPA, the U.S. Department of Agriculture, and the Food and Drug Administration, to reduce food loss and waste through individual and combined federal action.

AD is a strategy included in EPA’s food recovery hierarchy that is preferable to landfilling/incineration because it reclaims valuable resources. Keeping food waste from landfills, such as transforming it into fuel or fertilizer, can save money and reduce environmental impacts, the agency says.

The twelve projects selected for funding are:

Central New York Technology Development Organization (Liverpool, New York): Plans to install equipment to increase digester capacity, host community education/outreach tours, and develop a case study for this demonstration project.

Center for EcoTechnology (Northampton, Massachusetts): Plans to work with government agencies, haulers, food businesses, trade associations, and others in the Northeast US to provide technical assistance, training and capacity building that will develop and disseminate AD resources.

City of Oxnard (Oxnard, California): Plans to conduct a feasibility evaluation for the city's organic waste and test run delivery to the city's wastewater treatment plant for co-digestion.

Dickinson College (Carlisle, Pennsylvania): Plans to advance the co-digestion of food waste in small scale farm digesters in Region 3, including an AD co-digestion demonstration project with research components, partnerships with entities to secure food waste feedstocks, and extensive education and outreach efforts.

Emory University (Atlanta): Plans to establish a prototype on campus as a demonstration site to design AD that seeks to reduce Environmental Justice concerns that can be replicated by universities, corporations, local communities, and governments.

Montana State University (Bozeman, Montana): Plans to initiate a pilot study to facilitate the upscaling of anaerobic digestion of food scraps in households and produce outreach materials on the project.

North Central Texas Council of Governments (Arlington, Texas): Plans to coordinate with stakeholders in the North Central Texas region to complete a food waste to fuel feasibility study.

Florida Atlantic University (Boca Raton, Florida): Plans to systematically develop the science needed to build the foundation of a regional organics diversion model that takes advantage of excess digester capacity at local wastewater treatment facilities.

University of California-Davis (Davis, California): Will demonstrate a system for biomass recycling and creation of ammonia fertilizer to optimize their current digester system and disseminate results.

University of Illinois-Chicago (Chicago): Plans to create a technical and educational assistance center focused on helping AD facilities interested in creating, expanding, or fully utilizing its capacity and the accompanying biogas and digestate.

University of Missouri-Columbia (Columbia, Missouri): Plans to conduct research on co-digestion of AD to provide technical assistance and outreach activities through partnership programs and trainings for farmers, schools, AD companies, and governments.

Washington State University (Pullman, Washington): Plans to leverage research and data derived from Washington State University's partnerships with other state institutions to identify three optimal areas in Washington State for developing successful, multi-partner digester projects.

Superfund

EPA Finalizes Cleanup Plan to Address Creosote Contamination at the GCL Tie and Treating Superfund Site in Sidney, New York

10/06/2020

NEW YORK - The U.S. Environmental Protection Agency (EPA) has finalized its cleanup plan to address creosote contamination at the GCL Tie and Treating Superfund Site located in the Village of Sidney, New York, along the Susquehanna River. Creosote is an oily contaminant obtained from extracting coal tar at a high temperature and is commonly used as a wood preservative. The final cleanup plan, contained in a document called a Record of Decision, addresses the portion of the site where creosote contamination, in the form of non-aqueous phase liquid (NAPL), is impacting groundwater and includes heating the subsurface soil to reduce the thickness of the NAPL to the point that it can be better extracted through specialized extraction wells.

'EPA's previous actions under the Superfund program, including the removal of about 20,000 gallons of readily accessible creosote and the treatment of about 80,000 cubic yards of soil, significantly reduced the extensive creosote contamination impacting the soil and groundwater at the GCL Tie and Treating site,' said EPA Regional Administrator Pete Lopez. 'Through this cleanup plan, we are upholding our commitment to protect the environment for future generations by addressing the remaining creosote contamination in soil and bedrock at the site.'

The GCL Tie and Treating property comprises 26 acres of the 60-acre Superfund site in an industrial area of Sidney. The property formerly contained a sawmill, a wood-treating facility, and a light manufacturing company and is bordered by commercial and industrial properties, a railroad line, and undeveloped federal- and state-regulated wetlands. The non-GCL property is the remaining 34 acres and includes properties affected by creosote releases from the GCL Tie and Treating operations.

Under the selected cleanup plan announced today, EPA will address the remaining source area NAPL contamination at the site that is continuing to contaminate groundwater by using in-situ (in place) thermal treatment. Thermal treatment works by applying very high temperatures directly underground to the contaminated area, which makes the creosote less viscous and enables it to move more easily through soil toward extraction wells where it is collected and piped to the surface to be treated. The heat can make the contaminated area hot enough to destroy some chemicals.

The estimated cost of this remedy is \$25 million. EPA expects to address an ongoing source of groundwater contamination and help the aquifer to recover with this selected plan. A final action for the groundwater will be determined after this remedy is implemented.

EPA held a virtual public meeting on September 3, 2020 to explain its cleanup plan, discuss the other cleanup options that were considered and solicit public comments.

EPA's selected cleanup plan for the site, outlined in the Record of Decision, can be found at: www.epa.gov/superfund/gcl-tie

Sustainability

Aldi Recognized For Sustainability Initiatives

<https://www.homeworldbusiness.com/aldi-recognized-for-sustainability-initiatives/>

An ongoing commitment to reduce overall environmental impact has led Aldi to receive the 2020 Green Power Leadership Award as well as a 2019 GreenChill Store Certification and a Re-Certification Excellence Award for select stores from the U.S. Environmental Protection Agency.

The annual Green Power Leadership Awards are part of the EPA's Green Power Partner recognition program that celebrates commitment and contribution to advancing the development of the voluntary green power market in the U.S. Aldi asserted that it was one of only four organizations nationwide to receive an Excellence in Green Power Use Award for demonstrating exemplary action and dedication to significantly moving the U.S. renewable energy market forward.

Aldi noted that it is currently purchasing more than 980 million kilowatt-hours of green power annually, which represents more than 100% of the organization's electricity use. In addition, Aldi ranks number 16 on EPA's National Top 100 list of participating companies, number three on the Top 30 Retail list and number 15 on the Top 30 On-site renewables list.

As part of a \$5 billion capital investment in new and remodeled stores across the U.S., Aldi is increasing its renewable energy building efforts, including establishing a preference for energy-saving LED lighting, energy-efficient refrigerated systems and rooftop solar systems, which it has on 12 warehouses and 108 stores thus far.

"We are proud to receive these honorable recognitions from the U.S. Environmental Protection Agency," said Aaron Sumida, vp/Aldi. "As one of America's largest retailers, it's important for Aldi to prioritize our adoption of green power usage across our operations, showing others that it's an affordable, accessible choice that can help reduce air pollution and other emissions. We look forward to continuing our sustainability journey by taking intentional and strategic steps to make our stores and warehouses more environmentally friendly."

Water

Upton, colleagues request federal efforts to ensure clean drinking water in schools

<https://riponadvance.com/stories/upton-colleagues-request-federal-efforts-to-ensure-clean-drinking-water-in-schools/>

By Ripon Advance News Service | October 6, 2020

U.S. Rep. Fred Upton (R-MI) joined a bipartisan group of three dozen lawmakers in requesting that the Trump administration combat PFAS chemicals in educational and childcare facilities across the nation.

"We write to express our concerns regarding possible toxic per- and polyfluoroalkyl substances (PFAS) in the drinking water of our nation's schools and childcare facilities," wrote Rep. Upton and his colleagues in an Oct. 1 letter sent to U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, U.S. Education Secretary Betsy DeVos, and U.S. Health and Human Services Secretary Alex Azar.

"We urge you to protect the health of our children, families and communities by taking comprehensive and urgent measures to identify and remediate PFAS chemicals in the drinking water of schools and childcare facilities across the country," the lawmakers wrote.

A recent analysis of EPA and state data shows at least 27 schools and childcare facilities in 18 states, including Michigan, Oregon, Pennsylvania and Wisconsin, that are located within 5,000 feet of manufacturers that are

known or suspected of producing or using PFAS, according to their letter, which also includes the signatures of 36 other congressmen.

“Based on available state data, at least 110 schools and childcare facilities have tested positive for PFAS in their drinking water across the country,” Rep. Upton and his colleagues wrote, noting that these toxic chemicals present a danger to children, whose exposure may affect growth, learning and behavior and have been linked to cancer and damage to both reproductive and immune systems in adults.

Rep. Upton and the lawmakers requested that the EPA and Education Department work together on eight recommendations they made to:

- Finalize the determination of PFAS chemicals as regulated contaminants under the Safe Drinking Water Act;
- Enact national drinking water standards for all measurable PFAS chemicals and ensure they apply to educational facilities;
- Create national standards under the Clean Water Act restricting industrial discharges of PFAS chemicals, including near schools and childcare facilities;
- Provide schools and childcare facilities resources to test and report results for PFAS in facility drinking water systems;
- Develop a publicly accessible database of schools and childcare facilities where PFAS is detected and a national notification system to alert families, students and workers at these facilities about possible exposure;
- Work with the U.S. Centers for Disease Control and Prevention, as well as state and local governments to provide parents, family members, students, and workers information on the health hazards of PFAS exposure and applicable resources to seek health care, including blood testing;
- Conduct a nationwide study on PFAS exposure in school and childcare facilities;
- And provide guidance to schools and childcare facilities on ways to reduce exposures to PFAS in items like cookware, food packaging, floor and furniture wax, carpeting and upholstery.

Former VP Joe Biden lays out plan for USPS, should he be elected

<https://federalnewsnetwork.com/federal-newscast/2020/10/former-vp-joe-biden-lays-out-plan-for-usps-should-he-be-elected/>

By Eric White @FEDERALNEWSCAST

October 6, 2020 11:33 am

5 min read

Former Vice President Joe Biden outlined what he'd do as president for the Postal Service. The National Association of Postal Supervisors sent a questionnaire to both candidates, but only the Biden campaign came back with responses. Biden said his administration would work with Congress to eliminate the Postal Service's mandate since 2006 to prefund retiree health benefits if elected president. His administration would also focus on giving the cash-strapped agency emergency funding to keeping operating beyond next summer. Biden said he'd also help modernize the agency's vehicle fleet and fill vacant seats on the USPS Board of Governors.

The Federal Labor Relations Authority is out with new decisions that will likely change the course of collective bargaining. The authority first set stricter standards that determine when agencies have to bargain with federal unions over management-directed policy changes. The FLRA will also allow agencies to more quickly implement government regulations and guidance before bargaining new contract agreements. And the authority said agencies can bargain mid-term bargaining issues, otherwise known as zipper clauses. FLRA made these decisions at the request of the Agriculture and Education Departments and the Office of Personnel Management. (Federal News Network)

Here are the four themes federal technology leaders are highlighting during cybersecurity awareness month. The Federal Chief Information Security Officer's Council will kick off the 17th annual Cybersecurity Awareness Month with a demonstration on why strong passwords are so important. The CISO Council's October 7 webinar will highlight how weak and previously compromised passwords used across organizational and personal accounts may lead to major cyber breach. For the rest of the month, the CISO Council will focus on three other themes, including securing the home network, social engineering from phishing attacks and security in the age of Internet of Things devices.

The federal customer experience continues to improve. That's not to say it's great. The latest survey rankings from Forrester Research show the federal customer experience index rose a bit. The average hit slightly higher than 61 out of 100 this year. That says people are more positive than negative about the service they get when visiting agencies online, on the phone, or in person. But the government is nearly 11 points behind the private sector average. The government lags the most, Forrester says, in digital services.

The Environmental Protection Agency is partnering with four agencies to help train the workforce of the future to ensure water and wastewater systems work properly. EPA announced America's Water Sector Workforce Initiative that includes the departments of Education, Labor, Agriculture and Veterans Affairs all playing roles in recruiting and retaining the new water workforce. EPA said roughly one-third of the nation's water sector workforce is eligible to retire in the next 10 years. Additionally, the agency is currently coordinating with the "Water Subcabinet" on the development of a federal interagency framework to enhance the recruitment, training, and retention of workers to maintain the viability of a broader water workforce.

Congress has concerns over a Department of Veterans Affairs program designed help family caregivers. VA expanded the Comprehensive Assistance for Family Caregivers program to some pre-9/11 veterans last week. But Democrats on the House and Senate VA Committees say they're worried the department certified the IT system needed to support the program even when it wasn't fully ready. VA told Congress it identified 30 defects with the new IT system it would have to address later. Congress worries VA certified the new IT system anyway as a last ditch effort to meet a regulatory deadline.

Congressional leaders visited troubled Ft. Hood and got promises from the leadership. Fort Hood's acting commanding general says there will be serious changes to the command climate of the military installation within 90 days. The promise was given to Senate Armed Services Committee Chairman Jim Inhofe (R-Okla.) and Ranking Member Jack Reed (D-R.I.), who visited the base last week. Fort Hood has had issues with sexual assault and criminal activity over the last year. The most famous case is the murder of Army Specialist Vanessa Guillen, who was murdered after being repeatedly sexually harassed by another soldier.

The Chairman of the Joint Chiefs of Staff General Mark Milley and Defense Secretary Mark Esper both tested negative for the coronavirus after President Donald Trump contracted the disease. Both of the officials were around Trump during the possible incubation period for COVID-19. Esper was in Africa last week and was tested as part of the traveling protocol. The Pentagon says there are currently no changes to the military threat level due to the coronavirus outbreak in the White House.

The Trump Administration took one more step toward filling out the leadership ranks in the Pentagon's personnel office. The White House has nominated Brian Davis to be the assistant secretary of Defense for

manpower and reserve affairs. Davis currently serves as the director of the Defense Personnel and Family Support Center. The M&RA position is one of several key DoD personnel leadership positions that have been vacant since the beginning of the Trump Administration. As of now, three out of five of those positions are held by acting officials. Two more P&R nominees are still awaiting the Senate confirmation process, but that's unlikely to happen before the presidential election.

The IRS is extending the deadline for individuals to register for a coronavirus stimulus payment to November 21. That gives households that don't file federal tax returns an extra five weeks to apply if they're eligible. [IRS Commissioner Chuck Rettig](#) says the agency can't extend the deadline any further without interfering with preparations for the 2020 and 2021 filing seasons. The IRS has gotten more than 5 million nonfilers to sign up for payments through its online portal.

[KBRA Releases Report Assigning AA Rating to San Mateo-Foster City Public Financing Authority, City of San Mateo Sewer Enterprise 2020 EPA WIFIA Loan](#)

<https://www.businesswire.com/news/home/20201006005877/en/KBRA-Releases-Report-Assigning-AA-Rating-to-San-Mateo-Foster-City-Public-Financing-Authority-City-of-San-Mateo-Sewer-Enterprise-2020-EPA-WIFIA-Loan>

October 06, 2020 11:39 AM Eastern Daylight Time

NEW YORK--(BUSINESS WIRE)--On October 2, 2020, Kroll Bond Rating Agency (KBRA) assigned a long-term rating of AA with a Stable Outlook to the San Mateo-Foster City Public Financing Authority, City of San Mateo Sewer Enterprise 2020 EPA WIFIA Loan (San Mateo Wastewater Treatment Plant Upgrade and Expansion Project).

Click [here](#) to view the report. To access ratings and relevant documents, click [here](#).

Disclosures

Further information on key credit considerations, sensitivity analyses that consider what factors can affect these credit ratings and how they could lead to an upgrade or a downgrade, and [ESG factors](#) (where they are a key driver behind the change to the credit rating or rating outlook) can be found in the full rating report referenced above.

A description of all substantially material sources that were used to prepare the credit rating and information on the methodology(ies) (inclusive of any material models and sensitivity analyses of the relevant key rating assumptions, as applicable) used in determining the credit rating is available in the U.S. Information Disclosure Form located [here](#).

Information on the meaning of each rating category can be located [here](#).

Further disclosures relating to this rating action are available in the U.S. Information Disclosure Form referenced above. Additional information regarding KBRA policies, methodologies, rating scales and disclosures are available at www.kbra.com.

About KBRA

KBRA is a full-service credit rating agency registered as an NRSRO with the U.S. Securities and Exchange Commission. In addition, KBRA is designated as a designated rating organization by the Ontario Securities Commission for issuers of asset-backed securities to file a short form prospectus or shelf prospectus. KBRA is also recognized by the National Association of Insurance Commissioners as a Credit Rating Provider and is a certified Credit Rating Agency (CRA) with the European Securities and Markets Authority (ESMA). Kroll Bond Rating Agency Europe is registered with ESMA as a CRA.

Clean drinking water is a right we can't afford to lose

<https://buckrail.com/clean-drinking-water-is-a-right-we-cant-afford-to-lose/>

Paid for by Christian Beckwith for Teton County Commissioner

22 min ago Jackson Hole, Wyoming

Christian Beckwith is calling for the establishment of a Conservation Department to help avoid expensive environmental and public health crises such as our current water debacle in the future. Photo: Greg Von Doersten

A message from county commissioner candidate, Christian Beckwith:

JACKSON, Wyo. —We take our clean drinking water for granted. We shouldn't.

If the scenario playing out in the Hoback Junction area becomes the reality in other parts of Teton County, our drinking water, and our health, could be in jeopardy—and we the taxpayers would be responsible for the bill.

The Hoback Junction area is a “nitrate hot spot.” Over the past fifteen years, drinking water quality impairments, and failing septic systems, have led to nitrate contamination levels at, near or above 10 milligrams per liter at the Hoback Market, J-W Subdivision, Hoback RV Park, and Hoback River Resort.

That's the level of nitrate contamination that triggers intervention by the Environmental Protection Agency. The EPA steps in because nitrate contamination can lead to gastrointestinal illness, cholera, hepatitis A, typhoid, Blue Baby Syndrome, increased heart rate, nausea, headaches, and abdominal cramps. Some studies also suggest an increased risk of cancer.

When the EPA gets involved, they either shut down a public water system or require treatment to reduce the nitrate levels to safe levels.

The Wyoming Water Development Commission did the math on what it would take to replace public water systems in the Hoback area.

Estimates indicated that the cost in 2005 would have been more than \$9M.

By 2010, the report estimated that the cost to replace Hoback's public water system would have gone up nearly 70%, to more than \$13M.

Today, the problem is still not fixed.

Hoback is hoping to form a water district, get a state loan, and build a new water supply system. It will cost millions of dollars. Not all of it will be free money.

Consumers of that water—that is, the residents of Hoback—will pay for it with higher water rates.

But special districts are not the way to address the problem. They're why we have the problem in the first place: no one is in charge. Even if Hoback were successful in setting up a water district, it would simply shift the onus of addressing the water contamination problems to the landowners.

Our nitrate contamination problem exists because of lax regulations at both the County and the State level. Over the past forty years, we've allowed thousands of septic systems to be placed throughout the county in areas that were unsuitable for their use. Only now are we beginning to awaken to the environmental and public health implications created by this lack of oversight.

In order for us to address this community-wide problem, we're going to need our Board of County Commissioners to develop a comprehensive wastewater management plan that guarantees clean drinking water for all Teton County residents. We also need to establish a Conservation Department to help ensure that future developments take into consideration the sort of impacts created by a lack of oversight of our septic systems.

And we need to act now, while we still can and before the costs of intervention become exorbitant.

There are five other "nitrate hot spots" in the County: Snake River Park KOA; Camp Creek Inn; Snake River Mobile Home Park; and Pub Place, above Rafter J.

Over the past five years, all of them have had peak nitrate contamination levels between 4 and 8 mg/L. In each location, the level of contamination has consistently risen over the same time period.

Are we ready for the bill if the EPA intervenes in these hot spots too?

One of the reasons I demanded a neighborhood plan before any upzone of Northern South Park was granted was that the applicant had provided no clear indication of how they would handle their wastewater. The Town of Jackson has requested, but still not received, information from the landowners that would allow the town to determine whether the development can connect to the town's wastewater treatment facility.

How we manage the wastewater in Northern South Park is a critical issue that needs to be resolved before any zoning changes are made. A neighborhood plan must clearly indicate how wastewater will be handled without contaminating our aquifer.

Those advocating for the upzone before wastewater management was in place were, in essence, "kicking the can down the road," imperiling our community's public and ecological health while passing along the bill for EPA intervention to Teton County residents at a later date.

All of us owe a debt of gratitude to Protect Our Waters JH, which donated \$250,000 for a comprehensive wastewater management plan, and the Wyoming Outdoor Council, which proposed that the Teton County Board of Health require an early warning procedure when drinking water first becomes contaminated.

The Jackson Hole News and Guide also deserves credit for its reportage on the issue, including a Sept. 23 editorial that highlighted our water concerns.

Let's keep up the pressure on our elected officials and candidates for office to protect our drinking water. In addition to calling for the establishment of a Conservation Department, supporting the comprehensive

wastewater management plan, and demanding an early warning procedure, all of us in Teton County need to advocate for:

- Removing/decommissioning septic systems in sensitive/unsuitable areas and replacing them with or connecting them to a centralized sewer system.
- Developing source water assessments and source water protection plans for every one of the 114 public water systems serving Teton County.
- Prohibiting new septic systems in nitrate hot spots.
- Revising Teton County's small wastewater facility regulations to include the most protective measures recommended by U.S. EPA.

Our mantra can and should be: no new Hobacks. We can't afford it.

Democrats allege EPA plans to withhold funding from 'anarchist' cities

<https://thehill.com/policy/energy-environment/519853-democrats-allege-epa-plans-to-withhold-funding-from-anarchist>

BY REBECCA BEITSCH - 10/06/20 03:59 PM EDT

Senate Democrats' top Environmental Protection Agency (EPA) watchdog is warning that the agency plans to withhold funds to clean contaminated land and drinking water sources in Seattle, Portland, New York and Washington, D.C. citing a directive from President Trump to withhold federal funds from "anarchist" jurisdictions.

"We have learned that EPA, in its internal meetings related to the policy, has begun to identify funding sources that could be subject to the directive, some of which are vital for the provision of safe drinking water and the remediation of contamination," Environmental and Public Works Ranking Member Tom Carper (D-Del.) wrote in a letter to EPA Administrator Andrew Wheeler.

"Setting aside the legally questionable and abhorrent nature of the President's directive, EPA's implementation thereof could endanger human health and the environment," he continued in the letter, which was signed by six other Democrats. "We strongly urge you not to take any action that could result in the collective loss of more than a billion dollars of funding intended to clean up contamination and drinking water in these American cities."

The Sept. 2 directive from Trump said the administration would "not allow federal tax dollars to fund cities that allow themselves to deteriorate into lawless zones" — a nod to protests on racial inequalities taking place in major cities.

EPA has already pushed ahead with the directive in New York.

A late September letter from Wheeler to New York Gov. Andrew Cuomo (D) and New York City Mayor Bill de Blasio (D) characterized summer protests in the city as a danger to the EPA's Manhattan office.

"If you cannot demonstrate that EPA employees will be safe accessing our New York City offices, then I will begin the process of looking for a new location for our regional headquarters outside of New York City that can maintain order. I have an obligation to our employees, and if the city is unwilling or incapable of doing its job, I

will do mine and move them to a location that can competently fulfill the basic mission of a local government,” Wheeler wrote.

Carper called the move a “retaliatory threat [that] would waste taxpayer dollars and endanger the jobs of the nearly 600 people who work there.”

EPA accused Carper and others of “peddling a false narrative to diminish the accomplishments of the Trump Administration.”

“EPA will continue to follow guidance from the White House in accordance with its statutory obligations,” agency spokeswoman Molly Block said in an email.

Carper’s letter outlines millions designated for each city to help with clean water and contaminated areas.

Portland was invited to apply for \$554 million in Water Infrastructure and Finance Innovation Act loans to improve its drinking water quality. Seattle got \$192.2 million under the same grant program. D.C. got \$158,000 in funding to test for lead in drinking water in schools along with roughly \$20 million in other drinking water funds.

New York got \$300,000 in Brownfields funding to clean up sites with “the intention of redeveloping vacant and abandoned properties and turning them into community assets such as housing, recreation and open space, health facilities, social services and commerce opportunities.”

Carper identified each as “funding that EPA may seek to halt, deny or rescind.”

In reversal, Army Corps to accept public comment on fish farm off Sarasota coast

<https://www.heraldtribune.com/story/news/local/sarasota/2020/10/06/army-corps-accept-public-comment-ocean-era-fish-farm-off-sarasota/3635507001/>

In reversal, Army Corps to accept public comment on fish farm off Sarasota coast

Timothy Fanning | Sarasota Herald-Tribune

SARASOTA — After mounting pressure from environmentalists, the U.S. Army Corps of Engineers announced this week that it will hold a public notice and comment period on a construction permit for the first finfish farm ever authorized in federal waters.

The Corps, which had previously not committed to accept public comment on the project, changed course after local community members expressed strong concerns with Hawaii-based Ocean Era’s offshore demonstration farm.

The project would raise 20,000 albacore jack, a species common in the Gulf, in an anchored chain-link mesh pen 45 miles southwest of Sarasota.

Separately, environmental groups will challenge the Environmental Protection Agency’s decision to authorize a permit to discharge fish waste into the Gulf of Mexico. Members of the Don’t Cage Our Ocean Coalition, including Friends of the Earth and the Recirculating Farms Coalition, will appeal the permit.

More:[The battle over fish farming in the open ocean heats up, as EPA OKs permit](#)

The project – dubbed Velella Epsilon – will need both the construction permit from the Corps and the EPA permit before it can proceed.

The EPA authorized a permit to discharge 80,000 pounds of fish waste into the Gulf of Mexico from the first finfish farm ever authorized in federal waters, a key hurdle in making American offshore aquaculture a reality.

The EPA's assessment has indicated that there would be no significant environmental impacts associated with Ocean Era's project. However, environmental groups were quick to criticize the EPA's assessment

They say offshore fish farms will create pollution in the form of fish waste, spread diseases to wild fish populations and increase competition with fishing companies that depend on wild catches.

Among the concerns about the permit: The EPA did not give a range of reasonable alternatives. The National Environmental Policy Act, which sets out requirements for environmental assessments or statements, is supposed to include reasonable alternatives.

This did not happen. The only alternatives were to issue or not to issue the permit.

The day the EPA issued the permit, residents and environmental activists testified online as part of two 90-minute public meetings. During the hearings, much of the concern also centered on this and future fish farms potentially exacerbating the harmful algal blooms such as red tide that have impacted the state's coastal economy in recent years.

Among the other concerns: the potential vulnerability of the project if a major hurricane were to sweep through it in the gulf.

The copper mesh cage to be used is impact-resistant and designed to survive storm events while submerged. The EPA believes that the cage design will make it unlikely that fish will escape.

Issues of structural integrity and anchoring of the cage system pertain to the Army Corps permit application. The structural permit authorization will include permit conditions to ensure the facility is being operated and maintained to mitigate environmental impacts during any disaster.

Comments regarding the potential authorization of the project should be submitted in writing to the attention of the District Engineer through the Tampa Permits Section, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610-8302 or preferably by email at OceanEra_VEAquaculture@usace.army.mil.

The deadline to comment is Nov. 4.